

Message Text

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ORIGIN FAA-00

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DRAFTED BY FAA:BALOMBARDI:AIA-18
APPROVED BY EB/OA/AVP:AJWHITE
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FM SECSTATE WASHDC
TO AMEMBASSY ATHENS PRIORITY

UNCLAS STATE 185156

E.O. 11652: N/A

TAGS: EAIR, GR

SUBJECT: AIR TRAFFIC CONTROL AUTOMATION STUDY - TECHNICAL
ASSISTANCE

REF: ATHENS 5737

FOLLOWING IS FAA'S RESPONSE TO REFTEL. RESPONSE IS
NUMBERED TO COINCIDE WITH PROPOSED CHANGES TO MOA.

(1A). FAA ASSUMES THAT "FIFTEEN DAY PERIOD" AND "RELATIVE
REPORT - INFORMING" REQUIREMENTS, CONTAINED IN NEW SENTENCE
PROPOSED BY HCAA FOR ADDITION TO SUB-PARA. 3, MEANS "WORK-
ING DAYS" AND "PROGRESS REPORTS". IF ASSUMPTIONS ARE
CORRECT, FAA HAS NO OBJECTION TO INCORPORATION OF PROPOSED
LANGUAGE.

(1B). INTENT OF HCAA PROPOSED LANGUAGE CHANGE IN LAST

SENTENCE "THE RELATIVE FAA ACCOUNTS" IS UNCLEAR. IN VIEW
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OF FOREGOING AND FAA COUNTER PROPOSAL TO CHANGES IN
ARTICLE V RECOMMENDED BY HCAA, FAA BELIEVES THAT LANGUAGE
CURRENTLY INCLUDED IN PARA. B, ARTICLE IV, IS APPROPRIATE
AND SHOULD REMAIN UNCHANGED.

(1C). FAA AMENABLE TO HCAA PROPOSAL TO RENDER REIMBURSE-
MENT THROUGH MONTHLY INSTALLMENTS, WITH FINAL PAYMENT

BEING MADE SUBSEQUENT TO HCAA RECEIPT OF STUDY REPORT. HOWEVER, FAA IS NOT A PROFIT MAKING ORGANIZATION AND BILLS FOR ONLY ITS ACTUAL EXPENSES WHICH COULD DIFFER FROM THE ESTIMATED AMOUNT CITED IN THE AGREEMENT, THEREFORE, FAA CANNOT AGREE TO A FIXED PRICE FOR ITS SERVICES AS IMPLIED. CONSEQUENTLY, FAA PROPOSES INCORPORATING THE FOLLOWING LANGUAGE:

"REIMBURSEMENT FOR THE STUDY OF THE AUTOMATION OF THE HCAA AIR TRAFFIC CONTROL SYSTEM IS ESTIMATED TO BE \$165,000 USA. THIS SUM INCLUDES ALL EXPENSES TO BE PROVIDED BY FAA PERSONNEL UNDER THE TERMS OF THE PRESENT AGREEMENT WHICH WILL BE PAID BY FAA IN ACCORDANCE WITH FAA PRACTICE AND REGULATIONS, AS WELL AS EVERY OTHER NECESSARY PERTINENT EXPENDITURE, EXCEPT THOSE OF LOCAL SUPPORT MENTIONED IN ARTICLE IV OF THIS AGREEMENT. PAYMENTS TO FAA WILL BE MADE AS FOLLOWS:

A. \$135,000 USA WILL BE PAID IN NINE (9) MONTHLY INSTALLMENTS, EACH CONSISTING OF \$15,000 USA, THE FIRST INSTALLMENT BEING PAID ONE MONTH AFTER THE SIGNATURE OF THE AGREEMENT.

B. THE INSTALLMENTS WILL BE MADE IN ACCORDANCE WITH HCAA ORDERS IN WHICH THE NUMBER OF THE RELATIVE AGREEMENT (WO-I-199) WILL BE MENTIONED. THE RELATIVE RECEIPTS OF UNCLASSIFIED

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FAA WILL BE SUBMITTED TO HCAA. THE AGREEMENT NUMBER WO-I-199 HAS BEEN ASSIGNED BY FAA TO IDENTIFY THIS PROJECT AND SHOULD BE REFERRED TO IN ALL RELATED CORRESPONDENCE.

C. HCAA FINAL PAYMENT WILL BE MADE TO THE FAA SUBSEQUENT TO HCAA RECEIVING OF THE STUDY FROM FAA. SUCH PAYMENT WILL BE BASED ON THE SUBMISSION OF A STATEMENT BY FAA TO THE HCAA SETTING FORTH ALL EXPENDITURES UNDER THE AGREEMENT, AMOUNTS PAID BY THE HCAA THROUGH MONTHLY INSTALLMENTS AND THE FINAL PAYMENT DUE SINCE FAA COSTS MAY DIFFER FROM THE TOTAL FUNDING REQUIREMENTS ESTIMATED HEREIN.

(1D). FOR THE SAME REASONS DISCUSSED IN PARA. 1.C ABOVE, FAA RECOMMENDS ARTICLE VII BE MODIFIED AS FOLLOWS:

"THIS AGREEMENT MAY BE TERMINATED AT ANYTIME BY EITHER PARTY BY THIRTY (30) DAYS NOTICE IN WRITING. ANY SUCH TERMINATION WILL ALLOW FAA FIFTEEN (15) DAYS TO RETURN FAA PERSONNEL TO THEIR REGULAR DUTY ASSIGNMENTS. THE HCAA FURTHER AGREES TO REIMBURSE FAA FOR ALL COSTS WHICH

EXCEED AMOUNTS MADE AVAILABLE BY THE HCAA THRU MONTHLY
INSTALLMENTS MADE PRIOR TO PROJECT TERMINATION. SIMILARLY,
ANY FUNDS REMAINING IN THIS ACCOUNT TO THE CREDIT OF THE
HCAA WILL BE REFUNDED BY FAA.

SHOULD HCAA CONCUR WITH ABOVE RECOMMENDED CHANGES, WOULD
APPRECIATE EMBASSY HAVING MODIFIED VERSION OF MOA SIGNED
BY HCAA AND TRANSMITTED TO FAA FOR SIGNATURE AND SUBSE-
QUENT IMPLEMENTATION. VANCE

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